

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE: NATIONAL PRESCRIPTION
OPIATE LITIGATION

This document relates to:

All Cases Noted on Attached Appendix A

MDL No. 2804

Case No. 1:17-md-2804

JUDGE DAN AARON POLSTER

**STIPULATION AND [PROPOSED] ORDER
RELEASING AND DISMISSING WITH PREJUDICE CLAIMS
PURSUANT TO TRIBAL SETTLEMENT AGREEMENT**

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel of record for the Tribal Plaintiffs identified in Appendix A (collectively, the “Dismissing Plaintiffs”) and Defendants McKesson Corporation, Cardinal Health, Inc., and AmerisourceBergen Corporation (collectively and together with their Released Entities, the “Settling Distributor Defendants”¹) that, pursuant to the election of each Dismissing Plaintiff to participate in the Distributors’ Tribal Settlement Agreement, which is now dated October 26, 2022, which is binding on the Dismissing Plaintiffs and the Settling Distributor Defendants, and which has an Effective Date of December 25, 2022 (a copy of which is attached as Appendix B), all Claims of each Dismissing Plaintiff against any Settling Distributor Defendants, including any

¹ All capitalized terms not defined herein shall have the meaning set forth in the Distributors’ Tribal Settlement Agreement. The Released Entities are each and every entity of any of the Settling Distributor Defendants that is a “Released Entity” as set forth in Section I.NN and Exhibit E of the Distributors’ Tribal Settlement Agreement, dated as of October 26, 2022, a copy of which is attached as Appendix B. Appendix C, also attached hereto, represents a good faith effort by the Settling Distributor Defendants to list all Released Entities that may be individually named in any of the Dismissing Plaintiffs’ complaints. Appendix C is not intended to limit the scope of Released Entities, and to the extent that Dismissing Plaintiffs or Settling Distributor Defendants subsequently identify any Released Entity that should have been included on Appendix C, they will inform the Clerk of the Court.

entity identified on the attached Appendix C, are hereby voluntarily released and **DISMISSED WITH PREJUDICE**, with each party to bear its own costs. The Court shall retain jurisdiction with respect to the Distributors' Tribal Settlement Agreement to the extent provided under that Agreement.

Dated October 27, 2022

Respectfully submitted,

Agreed as to form and substance:

/s/ Lloyd B. Miller

Lloyd Miller / Don Simon / Whitney Leonard
Sonosky, Chambers, Sachse, Miller & Monkman, LLP

/s/ Geoffrey Strommer

Geoffrey Strommer / Caroline Mayhew /
Edmund Goodman
Hobbs, Straus, Dean & Walker, LLP

/s/ Tim Purdon

Tara Sutton / Tim Purdon
Robins Kaplan LLP

/s/ Lynn Sarko

Lynn Sarko
Keller Rohrback, L.L.P.

/s/ T. Roe Frazer

T. Roe Frazer
Frazer PLC

/s/ Peter Mougey

Peter Mougey
Levin Papantonio Rafferty

/s/ Scott Gilbert

Scott Gilbert
Gilbert LLP

/s/ Elizabeth J. Cabraser

Elizabeth J. Cabraser / Dan Drachler / Eric B. Fastiff
Lief Cabraser Heimann & Bernstein LLP

/s/ Steve Skikos

Jane Joseph / Steve Skikos

Skikos, Crawford, Skikos & Joseph LLP

MCKESSON CORPORATION

/s/ Mark H. Lynch

Mark H. Lynch
Geoffrey E. Hobart
COVINGTON & BURLING LLP
One City Center
850 Tenth Street, NW
Washington, DC 20001
Email: mlynch@cov.com
Email: ghobart@cov.com
Telephone: 202-662-6000
Counsel for McKesson Corporation

CARDINAL HEALTH, INC.



Enu A. Mainigi
Jennifer G. Wicht
Steven Pyser
Ashley Hardin
WILLIAMS & CONNOLLY LLP
680 Maine Ave SW
Washington, DC 20024
Telephone: (202) 434-5000
Fax: (202) 434-5029
emainigi@wc.com
Attorneys for Defendant Cardinal Health, Inc.

AMERISOURCEBERGEN CORPORATION

/s/Robert A. Nicholas

Robert A. Nicholas
Shannon E. McClure
REED SMITH LLP
Three Logan Square
1717 Arch Street, Suite 3100
Philadelphia, PA 19103
Tel: (215) 851-8100
Fax: (215) 851-1420
rnicholas@reedsmith.com
smcclure@reedsmith.com
Counsel for AmerisourceBergen Corporation

SO ORDERED:

Dated: _____

HON. DAN AARON POLSTER